

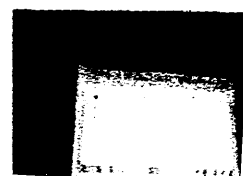
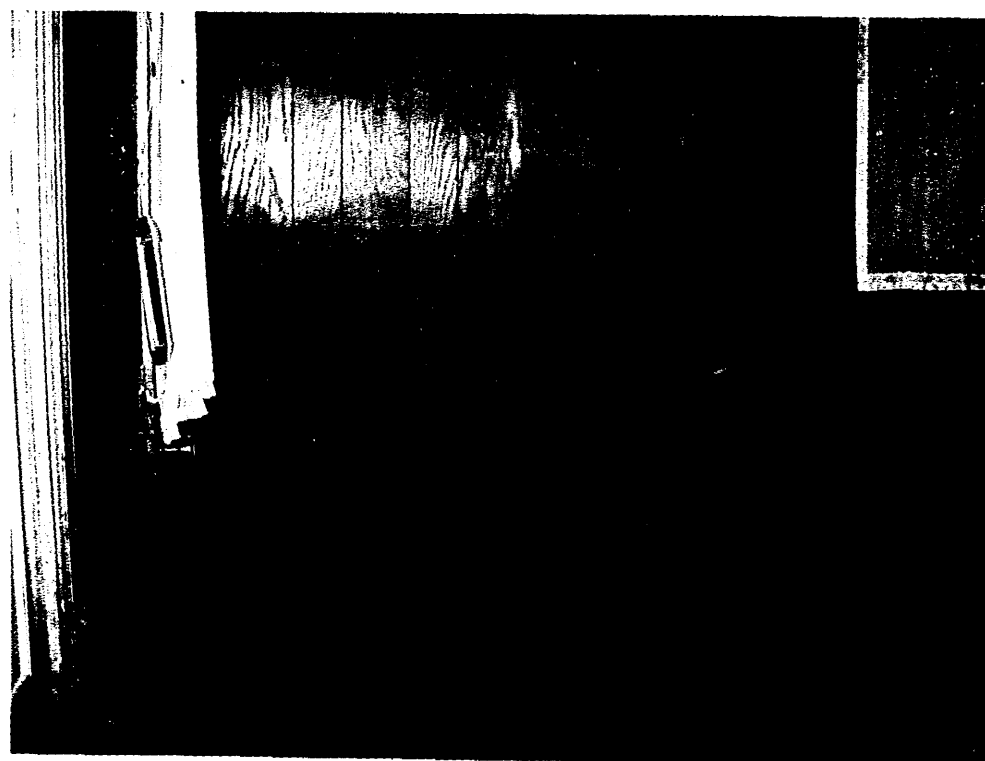
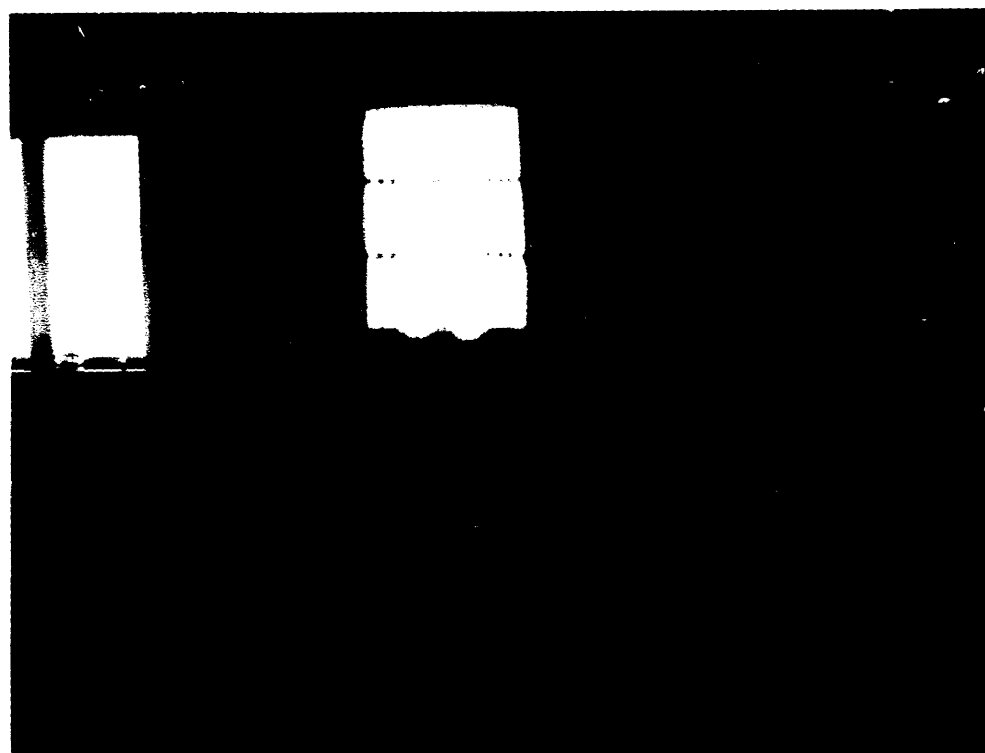
ZB# 06-19

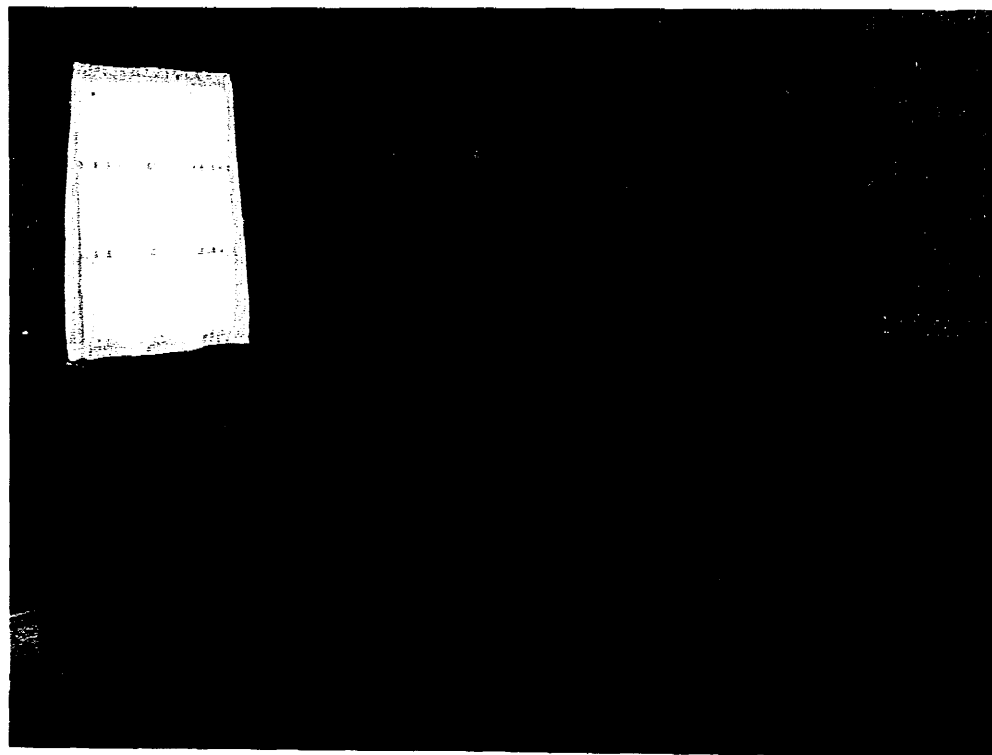
David & Eileen Garcia

38-3-56

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Decision 5-22-06

06-19 David + Eileen Garcia (inter)
40 Willow Pkwy. (38-3-56)
Addition w/2 kitchens





NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 38-3-56

-----X
In the Matter of the Application of

DAVID GARCIA

MEMORANDUM OF
DECISION GRANTING

INTERPRETATION

CASE #06-19
-----X

WHEREAS, Eileen Garcia, owner(s) of 40 Willow Parkway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Interpretation and/or Use Variance for proposed addition with second kitchen or two-family dwelling in an R-4 Zone (38-3-56)

WHEREAS, a public hearing was held on May 22, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were two spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application, both members of the public having only questions; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a single-family residential property located in a neighborhood of single-family residential properties in an R-4 zone.
 - (b) The applicant seeks to place a second kitchen in a one-family home.
 - (c) The applicant proposes to place a second kitchen in the premises to accommodate a family member. The applicant purchased this property as a single-family

residence, has maintained it as a single-family residence and will market same always maintain same as a single-family residence.

- (d) All facilities will be operated on a single gas/electric meter.
- (e) The applicant in constructing the kitchen, will not remove any trees or substantial vegetation.
- (f) In building the kitchen, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (g) In building the kitchen, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) Where the entrance to the addition is proposed, is a space that is already being used by the house.
- (i) After construction, if permitted, the appearance of the house will be similar in size and nature to other houses in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).
9. This property is a single-family residence.
10. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family
11. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

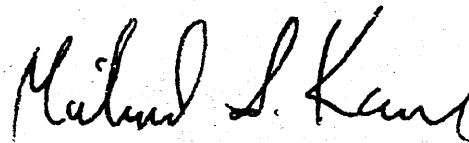
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for Interpretation and/or Use Variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 Zone (38-3-56) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: May 22, 2006



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: March 14, 2006

APPLICANT: David & Eileen Garcia
40 Willow Parkway
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: March 14, 2006

FOR : David & Eileen Garcia

LOCATED AT: 40 Willow Parkway

ZONE: R-4 Sec/Blk/ Lot: 38-3-56

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING W/ PROPOSED ADDITION
AND SECOND KITCHEN.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-90 INTERPRETATION. A SINGLE FAMILY DWELLING WITH 2 KITCHENS OR A TWO FAMILY DWELLING.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-4 USE:

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION**

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAR 14 2006

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2006-203

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED
BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises David & Eileen Garcia

Address 40 Willow Parkway, New Windsor, 12553

Phone # (845) 568-0873

Mailing Address Same

Fax # _____

Name of Architect Jay S. Klein

Address 49 Greenshire Way, Walden, New York 12586

Phone (845)-566-6111

Name of Contractor

Address (Same) Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner/Builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the West side of Willow Parkway
(N,S,E or W)
and 200' feet from the intersection of Willow lane and Willow Parkway
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N XX
3. Tax Map Description: Section 38 Block 3 Lot 56
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy an extra room den/play room etc. b. Intended use and occupancy Living (mother /daughter) Dwelling
5. Nature of work (check if applicable) ☐ New Bldg. ☒ Addition ☒ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 20' Rear 20' Depth 26' Height 12'+/- No. of stories 1
8. If dwelling, number of dwelling units: _____ (1) _____ Number of dwelling units on each floor _____ (1) _____
Number of bedrooms (1) Baths 1-Shower Toilets (1) Heating Plant: Gas _____ Oil (yes)
Electric/Hot Air _____ Hot Water (yes) If Garage, number of cars N/A
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____ (N/A)
10. Estimated cost \$35,000.00 Fee \$50.00

CA# 1205 **PAID**

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

David L. Lancia

(Owner's Signature)

(Address of Applicant)

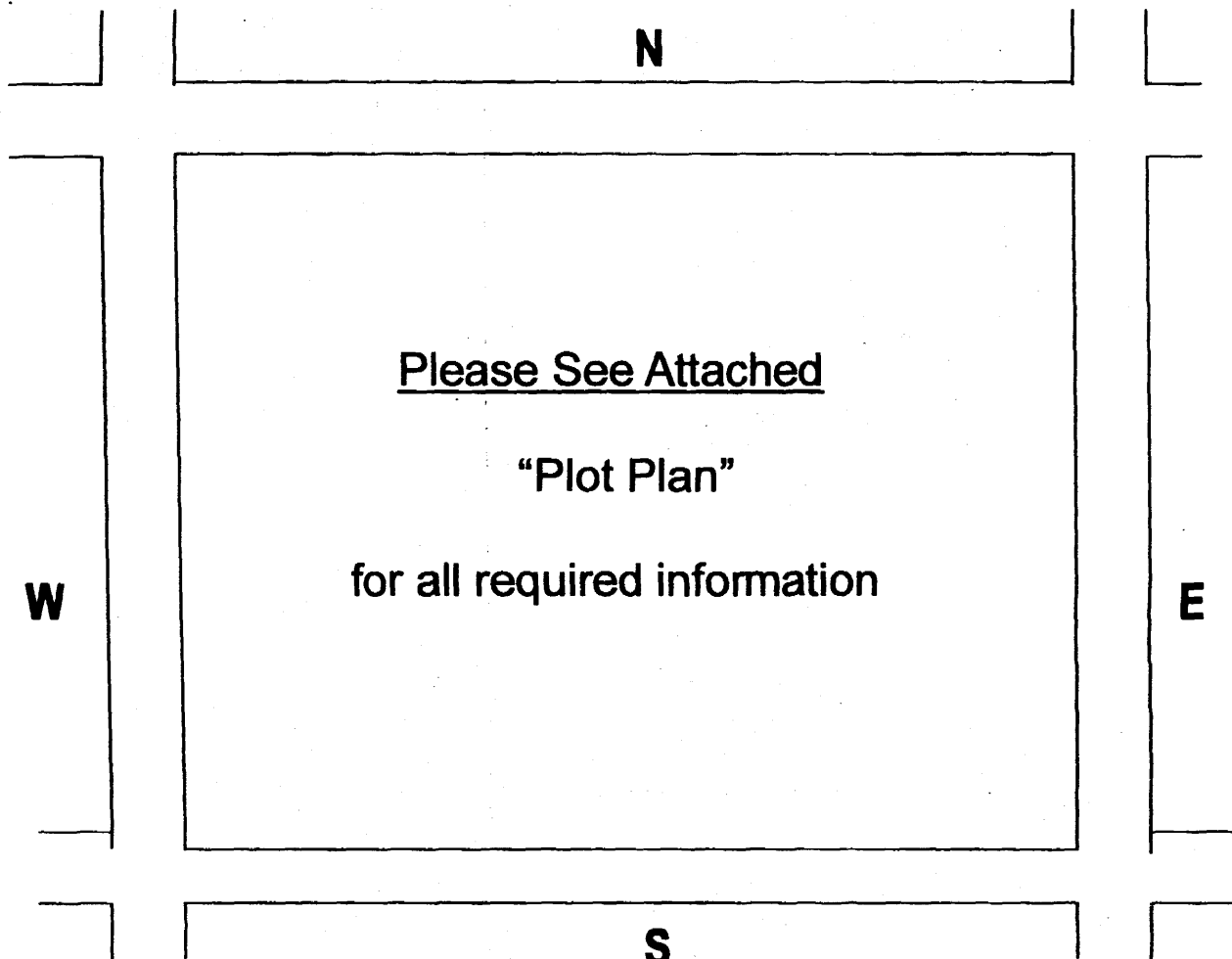
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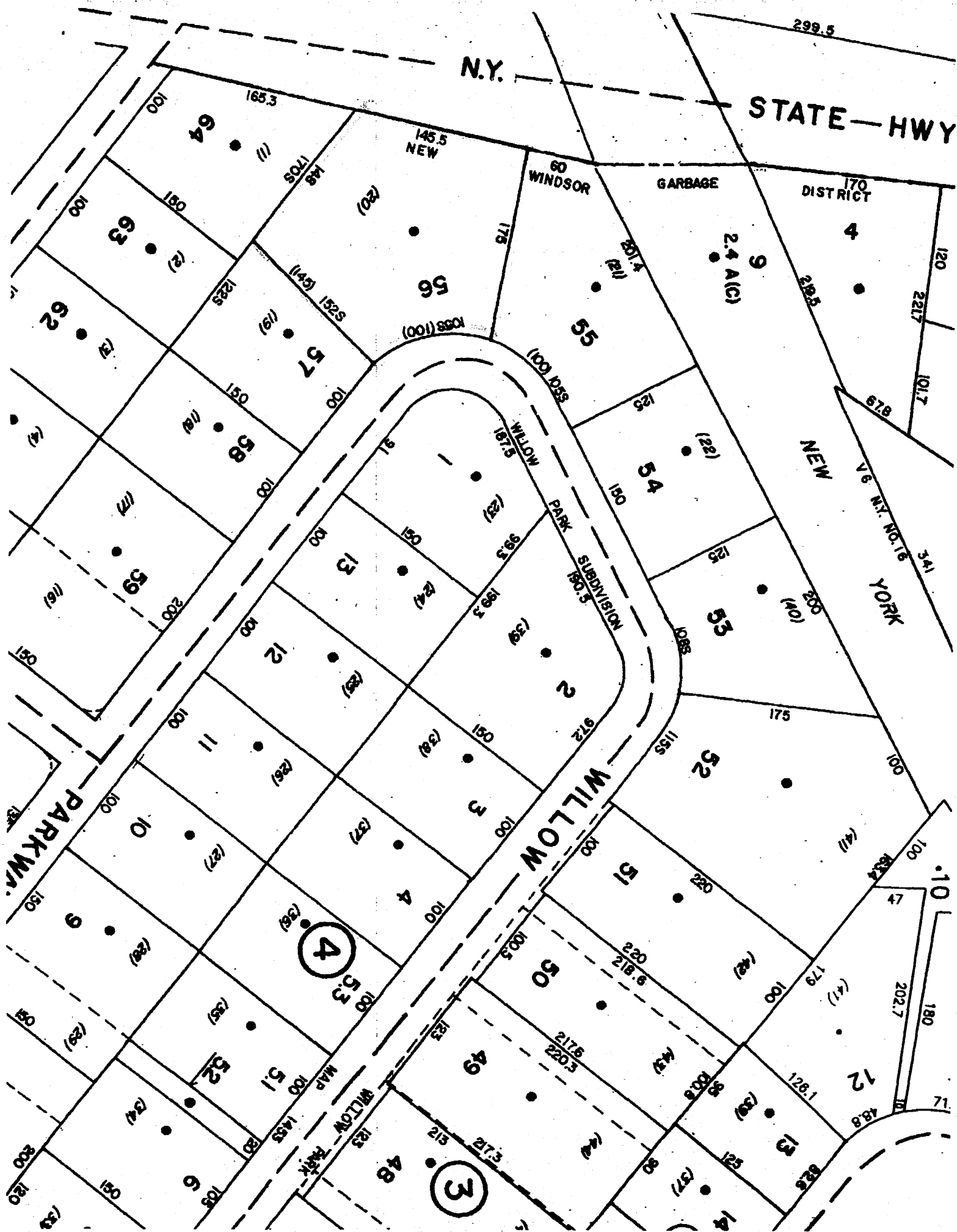
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





N.Y.

STATE-HWY

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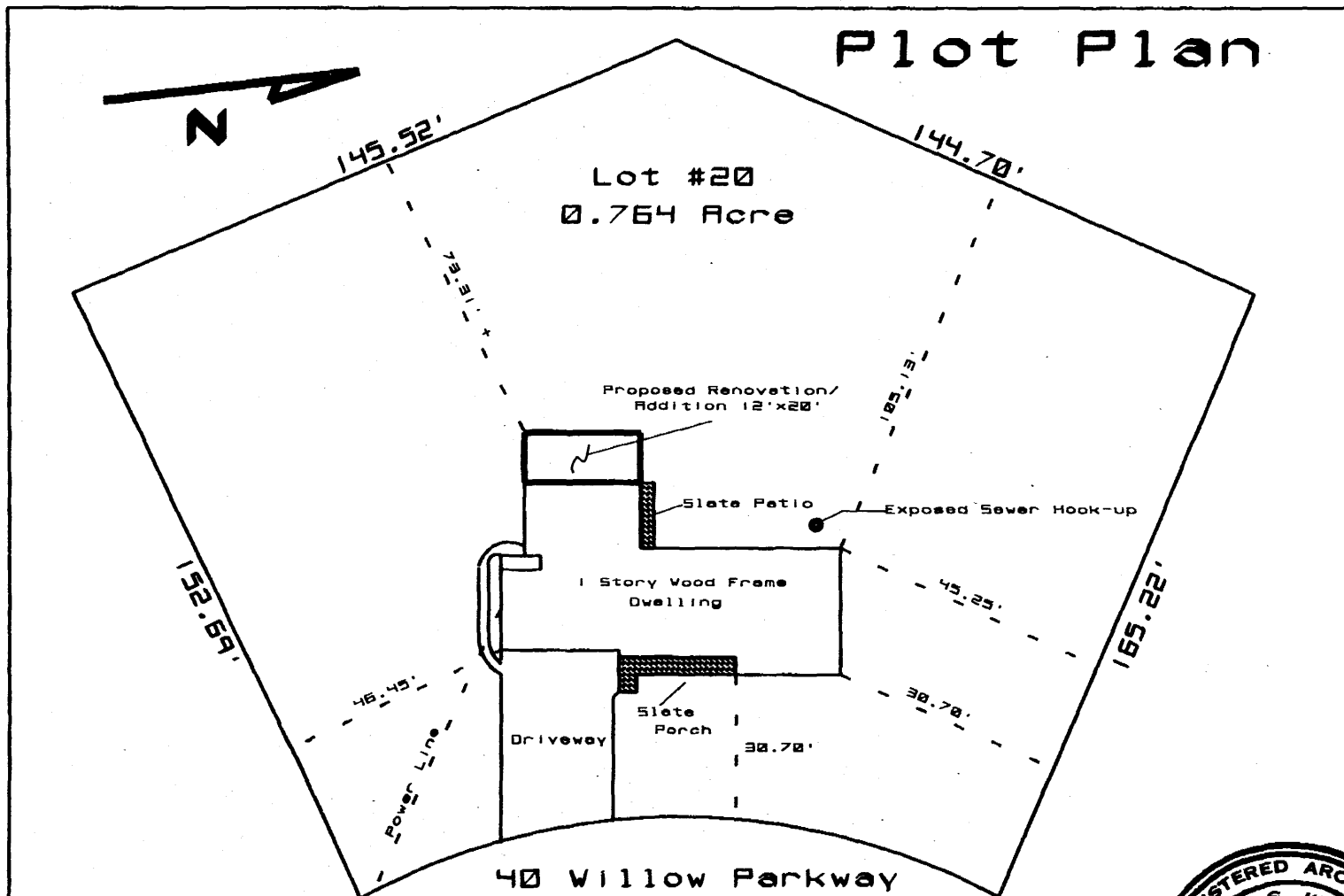
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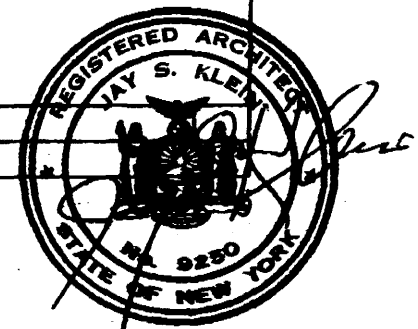
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Proposed Renovation: David & Eileen Garcia
Address: 40 Willow Parkway, New Windsor, N.Y.

(845)-568-0873
Scale: N/A



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 25, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 335.28 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-19

NAME & ADDRESS:

**David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.07-25-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-19

TYPE:INTERP. AND/OR VARIANCE

TELE:568-0873

APPLICANT:

David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>1214</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 1213



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	<u>\$ 35.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$</u>	<u>\$</u>
PUBLIC HEARING:	<u>7</u>	PAGES	<u>\$ 49.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$</u>	<u>\$</u>

LEGAL AD: Publish Date:05-05-06 \$ 10.72

TOTAL: \$ 94.72 \$ 70.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 164.72

AMOUNT DUE: \$

REFUND DUE: \$ 335.28

Cc:

L.R. 07-25-06

DAVID & EILEEN GARCIA (06-19)

MR. KANE: Request for interpretation and/or use variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 zone.

Ms. Eileen Garcia appeared before the board for this proposal.

MR. KANE: Just like the preliminary meeting, you want to tell us what you want the do.

MS. GARCIA: Okay, we have approval already for the addition we're putting an apartment in for my mom who currently lives with me and we're just looking for approval for a kitchen.

MR. KANE: For the record the apartment is strictly for family use not being built to rent out in the future?

MS. GARCIA: No.

MR. KANE: The gas and the electric coming into that, into your home and in that particular section of your home is on all one meter?

MS. GARCIA: All the same meter, same sewer, water.

MR. KANE: Your intent is to use the home as a one family home strictly?

MS. GARCIA: Yes, my mom has osteoarthritis and she's not well and I want to continue to take care of her.

MR. KANE: What we try to do with the building department is to just cover all the safety issues. I grew up where there was summer kitchens and basements and so we want to make sure there's not illegal apartments.

MS. GARCIA: I don't want strangers living in my house.

MR. KANE: So it's a single family house, always was a single family house, always will be a single family house?

MS. GARCIA: That's right, I don't want strangers living in my home.

MR. KANE: Okay, at this point, I will ask if there's anybody in the audience for this hearing?

MR. REIS: Michael Reis, 48 Willow Parkway, I just wanted to make sure that this is going to be looked on as a single-family home and not as a two-family home.

MS. GARCIA: Yes, my home, she lives with me right now so we're just going to move her into an apartment so she has some privacy.

MR. KRIEGER: That's why I put it exactly that way.

MR. REIS: Thank you.

MR. KRIEGER: Sold as a single family home.

MS. JONES: Rebecca Jones, 30 Willow Parkway, does this apartment have its own entrance?

MS. GARCIA: She'll have an outside entrance but there's an entrance that's in my home so I can be able to go in and out.

MS. JONES: With the owners with its own entrance is it conceivable should you sell your house that in addition--

MR. KANE: Anything is conceivable, she's putting on record that her intent is a single family home,

anything can be conceivable so--

MR. KRIEGER: So if somebody converts it to a two family they'd be breaking the law.

MS. JONES: I see, okay.

MR. KANE: Any other questions?

MS. JONES: No, that's it.

MS. WILLIAMS: Agnes Williams, 21 Willow Parkway. I just came to see what goes on, I have never been to one of these before and I think a lot of people are worried because down our little lane there's a house that was a ranch and they made it into a second story and I understand maybe I'm wrong some people are wrong that it is now a two family, I think people are worried about that.

MR. KANE: That's exactly why the building department while they're building these and putting another kitchen in that they bring them in here, we get it on record that it is the use of that particular building in there so that the right things are done, we're really trying to go after the illegal apartments.

MS. WILLIAMS: They can sneak it in.

MR. KANE: Anybody can sneak anything in, when you complain, the building department gets somebody out and checks it out. If they don't let them in, the tax department can tax them as a two family until they let them in.

MS. WILLIAMS: Years ago they were allowed to do that, a lot of people with two kitchens on Willow Parkway. There are several of them.

MR. KANE: Quite possible.

MS. WILLIAMS: They're one family but who knows like I said what can happen.

MR. KANE: Until something happens or somebody complains and the building department gets involved and looks, there's nothing anybody can do.

MS. WILLIAMS: I know her situation so I knew that I assumed it was going to be for her mother's care.

MR. KANE: You have no problem?

MS. WILLIAMS: No.

MR. KANE: Any problem?

MS. JONES: When you say until someone complains, how would you even know?

MR. KANE: You don't.

MR. KRIEGER: One of the hazards that a person with an illegal two-family residence is going to run into probably they're not aware of it when they start out to do that is if they have a tenant and they ever have to evict the tenant you have no legal standing to bring an eviction action. As far as how you would know if there were increased activity that you would know through, you'd be alerted through impact in the neighborhood which is why there's a limit on two family homes.

MR. KANE: Too many cars coming in, parking, people call, they complain, that kind of stuff, you just see it. There are specific laws about X amount of relatives living in the home, they have to be a relative, there's a lot of things that try and cover that but that's again that's why we make them come in here and state it right here for the record that that's their intent.

MR. LUNDSTROM: I think the other safety valve that's built in if someone does illegally convert their single-family home into a two-family home sometime in the future they try to sell it as a two-family home the bank will send a letter to the Town asking what they call a title search is this a legal two-family home, the Town will go back and say it's an illegal two-family home and the new buyer will not be able to get a mortgage until it's brought up to code and re-converted back to a single-family home, so there are some procedures in place to protect the general population.

MS. JONES: So my concern was of course two-family home and the variance was only for this particular house?

MR. KANE: That's correct.

MS. JONES: They can put a kitchen and have this room available for her mother.

MR. KANE: And the inner door is crucial.

MS. JONES: And then it would not be recognized in any sense, any legal sense as a two-family home.

MR. KANE: That's why we peppered her with those questions to make sure.

MR. REIS: Mr. Chairman, Eileen, how many rooms is being added on?

MS. GARCIA: She's going to have a little kitchen, we hope, a living area, bathroom and bedroom.

MR. REIS: Okay.

MS. GARCIA: We had the den we had we actually tore down because the structure was unsound when we started

taking the walls down we realized it wasn't sound so we tore it down and they're just going to add the, put that piece back up and add on.

MR. REIS: And chairman asked you earlier about the heating system, you're not adding another heating system?

MS. GARCIA: No, it's all going to be on my bill, the septic, the water, the heat, everything, no separate meters.

MR. REIS: Thank you.

MR. KANE: Any other questions? At this point I'll close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: On May 5, I mailed out 39 addressed envelopes and had no response back.

MR. KANE: Back to the board, any further questions?

MR. LUNDSTROM: I have none.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: I will offer a motion granting the approval of David and Eileen Garcia regarding request for a second kitchen in a one-family dwelling on 40 Willow Parkway in an R-4 zone, Section, Block and Lot 38-3-5.6.

MS. GANN: I will second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE

May 22, 2006

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MS. LOCEY
MR. KANE

AYE
AYE

DAVID & EILEEN GARCIA (06-19)

MS. GANN: Request for interpretation and/or use variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 zone. And.

Ms. Eileen Garcia appeared before the board for this proposal.

MS. GANN: Tell us why you're here.

MS. GARCIA: We've got a permit to put an apartment on my house for my mom, she currently lives with us and we're looking for an approval for a kitchen for her.

MR. LUNDSTROM: The photographs that we have, would you explain them to the board?

MS. GARCIA: That's the, we have a den in our house, that's where the apartment's going to go, we didn't start the work on the house at all, the apartment that's all I really have, that's where the kitchen's going to be in the existing room.

MS. GANN: So in the existing room you're building a kitchen?

MS. GARCIA: This area right here would be where the kitchen would go, they're going to tear down the walls, put new sheetrock up, it's going to be all redone.

MS. GANN: You have your own kitchen in another part of the home?

MS. GARCIA: Right. My mom lives with us right now but having a 3 year old and 76 year old in the house it's tough, she's got very bad rheumatoid arthritis, her intention was to get her own place but I really want to have her close to me, she's getting worse.

MR. LUNDSTROM: So this construction would include adding an additional structure to the building looks like 12 x 20 foot?

MS. GARCIA: Right, it's almost going to double in size that particular room would double in size.

MR. LUNDSTROM: And that area that your mother would be living in is like a studio apartment then or--

MS. GARCIA: Yes, I have a little kitchen, well, hopefully a little kitchen, a bathroom, bedroom and then a little living space.

MR. LUNDSTROM: Okay. One electric meter?

MS. GARCIA: Yes.

MR. LUNDSTROM: One gas meter?

MS. GARCIA: Yes.

MS. GANN: So this is not just when you go to sell the home we don't want, we want to be sure there's only going to be one single family living there instead of having, cause we know you have two kitchens, so we want to be sure when you do sell it.

MS. GARCIA: I understand, there's a door that adjoins the apartment to the house so she can, we want to be able to get to her.

MR. LUNDSTROM: Just one question, may not pertain to this board, but any doorways, will they be wide enough for wheelchairs?

MS. GARCIA: We have to cause right now she has a scooter that she uses to get around a little bit so we want to have the extra wide doors put in, we're

April 24, 2006

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bringing the floor up to the existing room so that it's level so she doesn't have to step up into the laundry room.

MR. KRIEGER: The exterior appearance of the house is going to change?

MS. GARCIA: Well, they're going to put siding on, right now there's brick, we're just going to put all siding on.

MR. KRIEGER: Is the house going to get bigger?

MS. GARCIA: No, the house won't get bigger, just a den we have off the house will get longer, it will go out into the back yard, our house will be shaped almost like an L.

MR. LUNDSTROM: You'll be adding a 12 x 20 foot extension on?

MS. GARCIA: Yes.

MR. LUNDSTROM: Access that's there going to be outside access?

MS. GARCIA: There will be a door for her to go out a little path but then another door that will connect into my house, into the laundry room actually.

MR. LUNDSTROM: The door going out to the back will that be handicapped accessible with a ramp?

MS. GARCIA: Yes.

MR. LUNDSTROM: Just in case of a fire.

MS. GARCIA: Yes, matter of fact, the bathroom, everything is going to be designed for her for the handicapped accessible, the shower, she likes the

April 24, 2006

11

bathtub, but she's not going to have one, she's going to have a shower you can sit into, she's just getting progressively worse but she's independent, she's Irish.

MS. LOCEY: Where the addition is going is there any vegetation that you need to remove?

MS. GARCIA: No.

MS. LOCEY: Anything that would cause a water problem?

MS. GARCIA: No.

MR. LUNDSTROM: Are there any easements that you know of that that addition would be going over?

MS. GARCIA: No, we have a pretty big back yard.

MS. GANN: With the new addition going on, will the home be similar in size to other homes that are in the area?

MS. GARCIA: Yes, all of it is to the back of the house so won't even be seen really, it's not going to change the size of the house.

MS. GANN: The door that leads into the new room that you're making for your mom, that will be unlocked so there's no lock on that door?

MS. GARCIA: Well, I thought she could have a lock.

MR. KRIEGER: Well, it's going to be an interior door, it's not going to be--

MS. GARCIA: It's not going to be key lock type thing, I want her to be able to have her privacy just so she can have her privacy.

MS. GANN: Any other questions from the board?

April 24, 2006

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MR. LUNDSTROM: I'd like to offer a motion that the application for David and Eileen Garcia been, request for interpretation and/or use variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 zone, section, block and lot 28-3-6 be allowed to proceed to the next step which is a public hearing.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
5/23/2006	7706

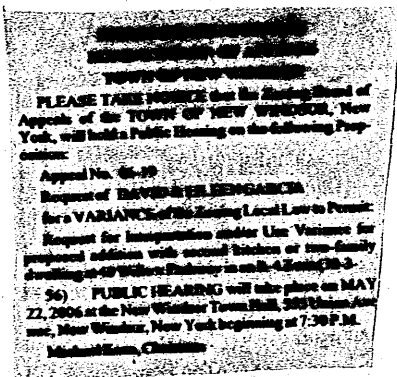
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

MM

P.O. No.	Terms	Project
44796	Due on receipt	

Issue Date	Description	PCS/Units	Amount
5/5/2006	LEGAL ADS: VARIANCE GARCIA 1 AFFIDAVIT	6.72 4.00	6.72 4.00
<div>RECEIVED JUN 1 6 2006 TOWN OF NEW WINDSOR CLERK OF THE SUPREME COURT</div>			
			Total \$10.72

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218



State of New York
County of Orange, ss:
Patricia Quill being duly
sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company, Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1X
in said newspaper, commencing on
the 5 day of May A.D., 2006
and ending on the 5 day of May
A.D. 2006

Patricia Quill

Subscribed and shown to before me
this 5th day of June, 2006 .

Deborah Green
Notary Public of the State of New York
County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

My commission expires

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

PUBLIC HEARING FOR: David Garcia

DATE: 5/22/06

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Rebecca Jones	30 Willow Pkwy	
2.	Michael Reis	48 Willow Pkwy	
3.	Agnes Williams	21 Willow Pkwy	
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			



RESULTS OF Z.B.A. MEETING OF: May 2006

PROJECT: David Garcia ZBA # 06-19

P.B.# _____

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**_____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M) Lu S) G VOTE: A 5 N 0.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

CARRIED: Y ✓ **N** .

[illegible]

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

DAVID & EILEEN GARCIA

AFFIDAVIT OF
SERVICE
BY MAIL

#06-19

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 5TH day of MAY, 2006, I compared the 39 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

16th day of May, 2006

J. J. Gallagher
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

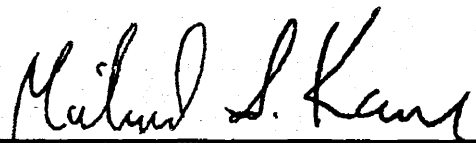
Appeal No. 06-19

Request of DAVID & EILEEN GARCIA

for a VARIANCE of the Zoning Local Law to Permit:

Request for Interpretation and/or Use Variance for proposed addition with second kitchen or two-family dwelling at 40 Willow Parkway in an R-4 Zone (38-3-56)

PUBLIC HEARING will take place on MAY 22, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman

P.O. # 44796
In 5/5/06
Garcia



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

April 26, 2006

David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553

Re: 38-3-56 ZBA#: 04-19 (39)

Dear Mr. & Mrs. Garcia:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads 'J. Todd Wiley'. To the right of the signature is a circular stamp containing the word 'IAO'.

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

35-1-17

Central Hudson Gas & Electric
c/o Tax Agent
284 South Avenue
Poughkeepsie, NY 12601

35-1-43

Petro Metals, Inc.
P.O. Box 928
Vails Gate, NY 12584

35-1-62 & 38-3-9

NY Central Lines LLC
ATT: CSX
500 Water Street (J-910)
Jacksonville, FL 32202

38-3-7

Luis Rodriguez
Elizabeth Abreu
3 Coutant Lane
New Windsor, NY 12553

38-3-38

Helen Johnson
4 Willow Parkway
New Windsor, NY 12553

38-3-52

Richard & Kathleen Hovey
32 Willow Parkway
New Windsor, NY 12553

38-3-55

Walter Kroll
38 Willow Parkway
New Windsor, NY 12553

38-3-59

Michael & Carolyn Reis
48 Willow Parkway
New Windsor, NY 12553

38-3-62 & 38-4-3

John & Antoinette Guerriero
23 Willow Parkway
New Windsor, NY 12553

38-4-1

Gerard & Maryann Macri
27 Willow Parkway
New Windsor, NY 12553

35-1-19

Eric & Maxine Burton
22 Causeway
New Windsor, NY 12553

35-1-44

George Chaleff
Allison Tracy
5 Chaleff's Lane
New Windsor, NY 12553

38-3-3 & 5

Norma Jean Frangello
P.O. Box 4624
New Windsor, NY 12553

38-3-8

Rachel Miller
5 Coutant Lane
New Windsor, NY 12553

38-3-50

David & Carmela Rupp
28 Willow Parkway
New Windsor, NY 12553

38-3-53

Guillermo Brown
Cheryl Mason-Brown
34 Willow Parkway
New Windsor, NY 12553

38-3-57

Santo & Edvige Emmanuele
42 Willow Parkway
New Windsor, NY 12553

38-3-60

Santos Sanchez
9 Willow Lane
New Windsor, NY 12553

38-3-63

Jeffrey & Jasmine Perez
3 Willow Lane
New Windsor, NY 12553

38-4-2

Richard & Marlene Alfano
25 Willow Parkway
New Windsor, NY 12553

35-1-20

James Marquis, et al
39 Cross Road
Marlboro, NY 12542

35-1-45

George Ross
96 Linwood Plaza - #223
Fort Lee, NJ 07024

38-3-4

Derekson Kornegay
245 Windsor Highway
New Windsor, NY 12553

38-3-37

Joan white
11 Willow Lane
New Windsor, NY 12553

38-3-51

Rebecca Jones
30 Willow Parkway
New Windsor, NY 12553

38-3-54

Bonnie Jean Bale
36 Willow Parkway
New Windsor, NY 12553

38-3-58

Mary Bargisen
44 Willow Parkway
New Windsor, NY 12553

38-3-61

Robert Toohey
7 Willow Lane
New Windsor, NY 12553

38-3-64

Maizie & Alfred Ruger, Sr.
1 Willow Lane
New Windsor, NY 12553

38-4-4

Agnes Williams
21 Willow Parkway
New Windsor, NY 12553

38-4-5

Charles & Margaret Milich
19 Willow Parkway
New Windsor, NY 12553

38-4-12

Giovanni & Rose Forte
31 Willow Parkway
New Windsor, NY 12553

42-1-2

Garrison & Bertha Karpoff
8 Willow Lane
New Windsor, NY 12553

38-4-10

Young Hui & Kye Sun Kim
5 Willow Parkway
New Windsor, NY 12553

38-4-13

Luigi & Carolina DeGennaro
29 Willow Parkway
New Windsor, NY 12553

42-1-3

Christopher & Laurie Orr
10 Willow Lane
New Windsor, NY 12553

38-4-11

Frank & Dolores Tepedino
Gerriann Tepedino
33 Willow Parkway
New Windsor, NY 12553

42-1-1.1

1877 Webster Realty LLC
P.O. Box 314
Yonkers, NY 10710

42-1-4

Herman & Sally Ingram
12 Willow Lane
New Windsor, NY 12553



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

May 18, 2006

David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-19

Dear Mr. Garcia:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

40 Willow Parkway
New Windsor, NY

is scheduled for the May 22, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



1763

TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

REQUEST FOR PUBLIC RECORDS

Date: May 17, 2006

Name: MARK JONES

Address: 30 WILLOW PARKWAY

NEW WINDSOR NY 12553

Phone: (845) 565-8587

Representing: SELF

Please specify:

- **Property location (street address or section, block and lot number)**
- **Department you are requesting records from**
- **Describe information requested as fully as possible**

30 WILLOW PARKWAY

NEW WINDSOR NY 12553

Copies of Application - Denial Papers - 9 copies (\$2.25)

Documents may not be taken from this office.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#322-2006

04/21/2006

Garcia, David
40 Willow Parkway
New Windsor, NY 12553

Received \$ 150.00 for Zoning Board Fees, on 04/21/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA # 06-19

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 04-20-06

FOR: ESCROW 04-19

FROM:

David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553


CHECK FROM:
SAME

CHECK NUMBER: 1213

TELEPHONE: 568-0873

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 _____ NAME	<u>4/20/06</u> _____ DATE
--	---------------------------------

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF:

April 24, 2006

PROJECT: David & Eileen Shrcia

ZBA # 06-19

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) 4 S) 1

VOTE: A 4 N 0

GANN A
LUNDSTROM A
LOCEY A
TORPEY A

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

One Meter - elec + Gas

To remain a single family home

Does Adjoin - All Handicap Accessable
No Easements

CHECKED BY MYRA: OK @ 4/21/06

TOWN OF NEW WINDSOR
REQUEST FOR NOTIFICATION LIST

DATE: 04-20-06 PROJECT NUMBER: ZBA# 04-19 P.B. # _____

APPLICANT NAME: DAVID & EILEEN GARCIA

PERSON TO NOTIFY TO PICK UP LIST:

David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553

TELEPHONE: 568-0873

TAX MAP NUMBER: SEC. 38 BLOCK 3 LOT 56
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 40 WILLOW PARKWAY
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1215

TOTAL CHARGES: _____



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

April 21, 2006

David & Eileen Garcia
40 Willow Parkway
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-19

Dear Mr. & Mrs. Garcia:

This letter is to inform you that you have been placed on the April 24th, 2006 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

40 Willow Parkway
New Windsor, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

3/30/06
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☒

I. **Owner Information:** Phone Number: 845-568-0873
David & Eileen Garcia Fax Number: (845) 668-0873
(Name)
40 Willow Parkway New Windsor, NY 12553
(Address)

II. **Applicant:** Same as above Phone Number: ()
(Name) Fax Number: ()
(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Same as above Fax Number: ()
(Name)
(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ()
N/A Fax Number: ()
(Name)
(Address)

V. **Property Information:**

Zone: R-4 Property Address in Question: 40 Willow PKwy New Windsor
Lot Size: 0.704 ACRE Tax Map Number: Section 38 Block 3 Lot 56
a. What other zones lie within 500 feet?
b. Is pending sale or lease subject to ZBA approval of this Application? No
c. When was property purchased by present owner? Yes
d. Has property been subdivided previously? No If so, When:
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? No
f. Is there any outside storage at the property now or is any proposed? No

****PLEASE NOTE:****

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

The variance we are applying for is a small Kitchen that will be installed in an apartment for my mother. Currently my mother lives with me & we will be adding an apartment to our home for her. We have already applied for the permit for the apartment without the kitchen & were granted a permit for this. My mother's health is deteriorating & we would like to keep her close to us while making sure she can still be independent.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

We would like to install a small Kitchen to include a small stove, sink & refrigerator. We've already received a permit to build an apartment w/o the kitchen & are now seeking approval for the kitchen.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☒ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☒ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

31st day of March

Kevin T. Biddiscombe
Signature and Stamp of Notary

KEVIN T. BIDDISCOMBE
Notary Public, State of New York
No. 01816062504
Qualified in Orange County
Commission Expires August 6, 2009

Eileen B. Garcia
Owner's Signature (Notarized)

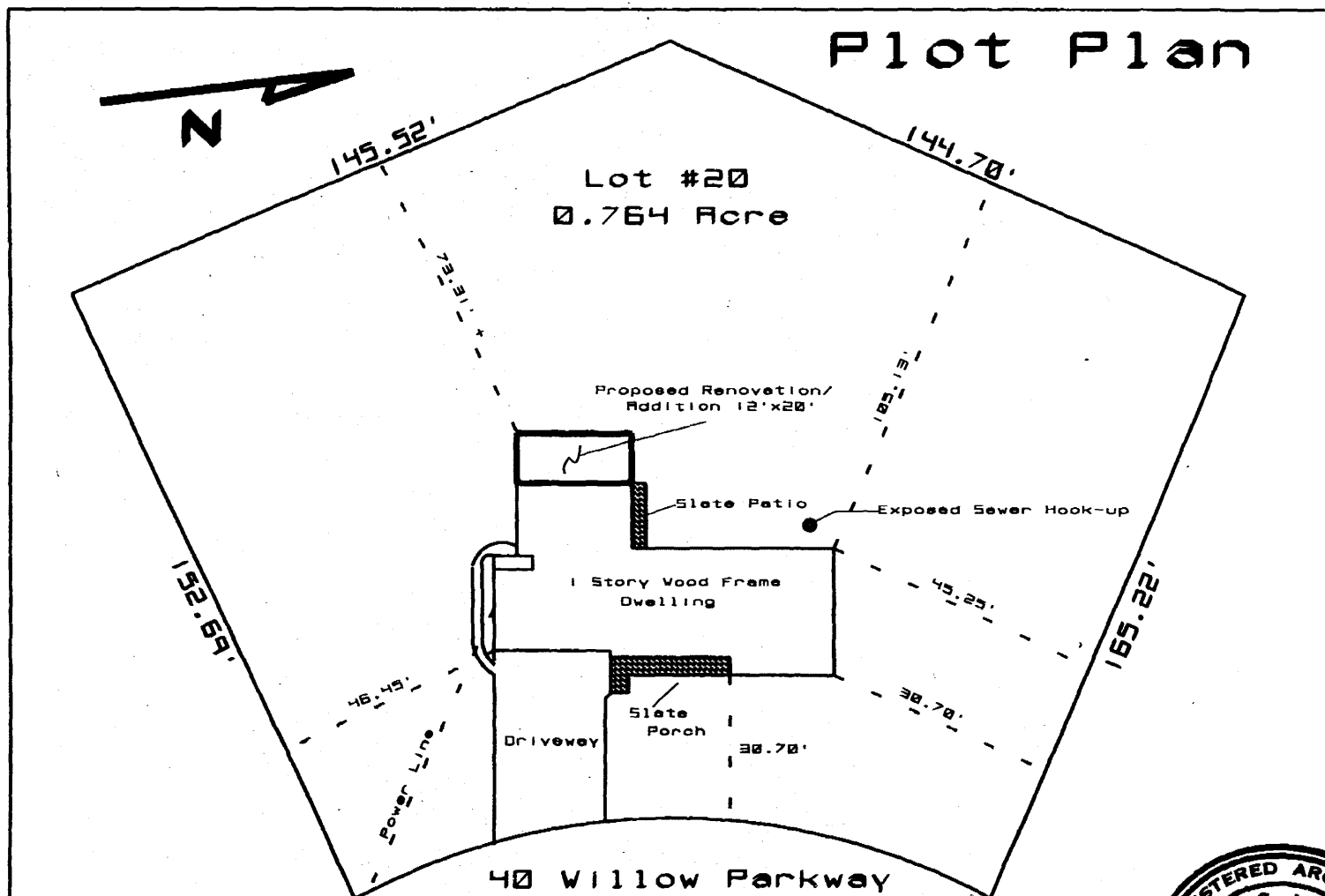
Eileen B. Garcia
Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐



Proposed Renovation: David & Eileen Garcia
Address: 40 Willow Parkway, New Windsor, N.Y.

(845)-568-0873
Scale: N/A



PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: _____ Date: _____	
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality; surface or groundwater quality or quantity; noise levels; existing traffic patterns; solid waste production or disposal; potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (If different from responsible officer)
_____ Date	



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



4/24

ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

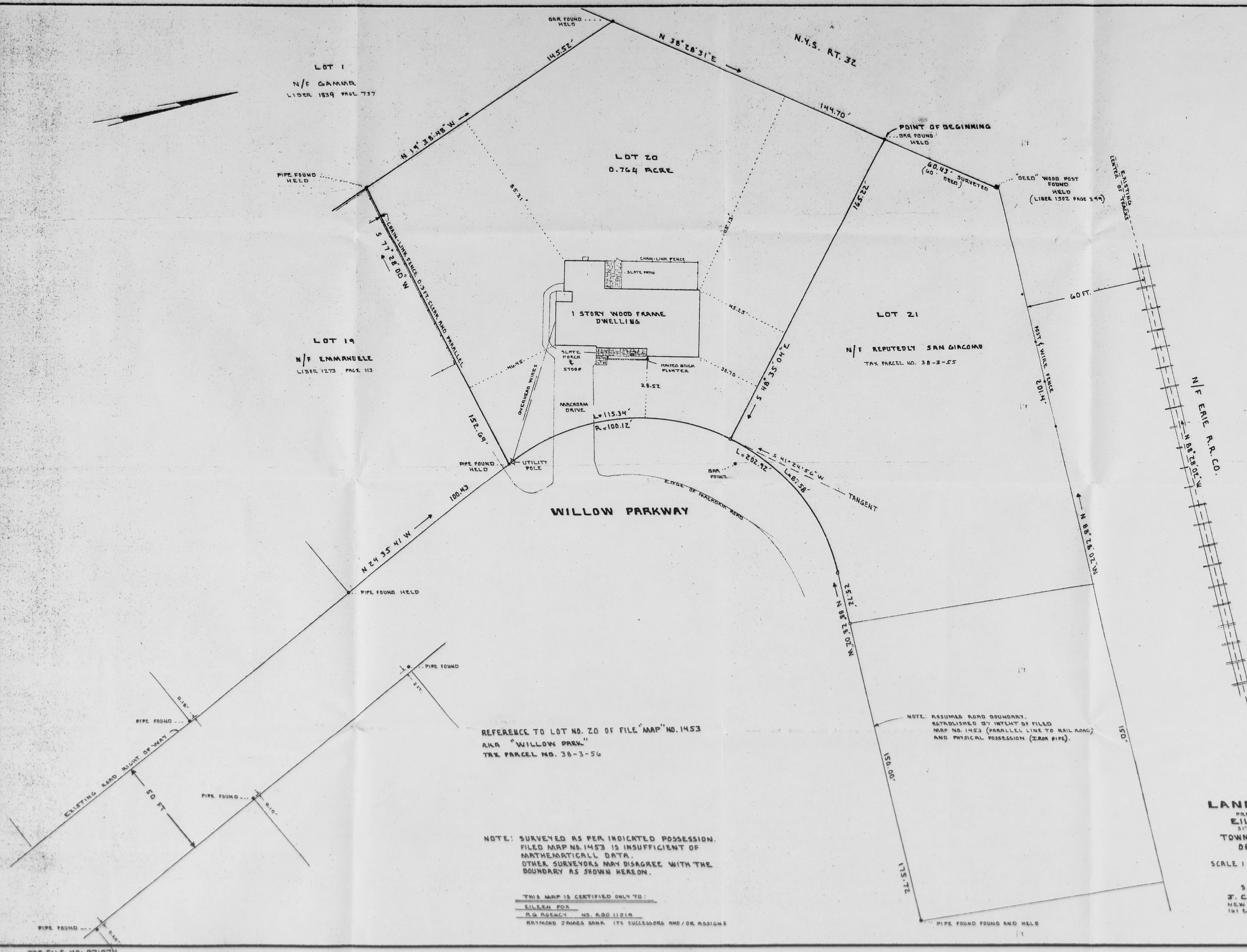
1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.



REFERENCE TO LOT NO. 20 OF FILE "MAP" NO. 1453
AKA "WILLOW PARK"
TAX PARCEL NO. 38-3-56

NOTE: SURVEYED AS PER INDICATED POSSESSION.
FILED MAP NO. 1453 IS INSUFFICIENT OF
MATHEMATICAL DATA.
OTHER SURVEYORS MAY DISAGREE WITH THE
BOUNDARY AS SHOWN HEREON.

THIS MAP IS CERTIFIED ONLY TO:
EILEEN FOX
R.G. AGENCY NO. RGD 11019
RAYMOND JAMES BANK ITS SUCCESSORS AND/OR ASSIGNS

NOTE: ASSUMED ROAD BOUNDARY.
ESTABLISHED BY INTENT OF FILED
MAP NO. 1453 (PARALLEL LINE TO RAIL ROAD)
AND PHYSICAL POSSESSION (IRON PIPE).

LAND SURVEY MAP
PREPARED FOR
EILEEN FOX
SITUATE IN THE
TOWN OF NEW WINDSOR
ORANGE COUNTY
NEW YORK
SCALE 1 INCH = 20 FEET JAN. 1, 1998

SURVEYED BY
T. CHARLES BOOLUKOS P.L.S.
NEW YORK STATE LICENSE NO. 049494
141 EAST MARKET ST. - SHINEBROOK, N.Y.
TELE: 914-876-7423
OR
931-1738

